

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BENJAMIN CAREATHERS, individually, and  
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

RED BULL NORTH AMERICA, INC., a  
California Corporation,

Defendants.

Civil Action No. 1:13-CV-0369 (KPF)

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DAVID WOLF and MIGUEL AMARAZ,  
individually and on behalf of others similarly  
situated,

Plaintiff,

vs.

RED BULL GMBH, a foreign company; RED  
BULL NORTH AMERICA, INC., a California  
Corporation; and RED BULL DISTRIBUTION  
COMPANY, INC., a Delaware corporation,

Defendants.

Civil Action No. 1:13-CV-08008 (KPF)

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**NOTICE OF OBJECTOR THEODORE H. FRANK'S MOTION TO EXCLUDE  
REPORT OF ROB FRANKEL**

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**TO ALL PARTIES:**

Please take notice that upon the accompanying memorandum of law Objector Theodore H. Frank will move, before the Honorable Katherine P. Failla, United States District Judge at the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007 on May 1, 2015 at 10:00 am. to preclude the Plaintiffs from offering in support of their Motion for Approval of Attorneys'

Fees, Service Fees, and Reimbursement of Expenses (Dkt. 63) the Expert Report of Rob Frankel, Dkt. 64-5. Frank moves to exclude this evidence on the grounds that it is unreliable, unscientific and untethered to the facts of this case as required by Fed. R. Evid. 702 and 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 593 (1993).

Dated: April 22, 2015

Respectfully Submitted,

/s/ Erin Sheley

Erin Sheley  
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Attorney for Objector Theodore H. Frank

**Certificate of Service**

The undersigned certifies she filed the foregoing Motion on ECF which will send electronic notification to all attorneys registered for ECF-filing.

Dated: April 22, 2015

/s/ Erin Sheley

Erin Sheley